

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Henry F. Ybarra and Virginia R. Ybarra,

Case No. 12-12293

Plaintiffs,

Honorable Nancy G. Edmunds

v.

Wells Fargo, and American Home
Mortgage Servicing,

Defendants.

/

**ORDER ACCEPTING AND ADOPTING MAGISTRATE JUDGE'S JANUARY 18, 2013
REPORT AND RECOMMENDATION AND GRANTING DEFENDANT'S MOTION TO
DISMISS [22]**

Before the Court is the magistrate judge's January 18, 2013 report and recommendation. (Dkt. 22.) The magistrate judge recommended granting Defendant Wells Fargo's motion to dismiss Plaintiffs Henry F. Ybarra and Virginia R. Ybarra's complaint alleging various mortgage-related claims.¹

The Court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. “[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter.” *Hall v. Rawal*, 09-10933, 2012 WL 3639070, at *1 (E.D.Mich. Aug. 24, 2012) (citation omitted). The Court nevertheless agrees with the magistrate judge's recommendation. The Court therefore ACCEPTS and ADOPTS the magistrate judge's report and recommendation and GRANTS Defendant Wells Fargo's motion to dismiss.

¹The parties dismissed American Home Mortgage Servicing by stipulation. (Dkt. 18.)

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: February 15, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 15, 2013, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager